

REMARKS

I. General

Claims 1-54 are pending in the present application. Claims 1-2, 5-8, 10, 11, 15-19, 25, 32-39, 47-50, 52, and 54 stand rejected under 35 U.S.C. § 102. Claims 3, 4, 9, 12-14, 20-24, 26-31, 40-46, 51, and 53 stand rejected under 35 U.S.C. § 103. Applicant respectfully traverses the rejections of record.

With regard to the statement that “[t]he disclosure of the prior-filed application, Application No. 60/324227, fails to provide adequate support of enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more of the claims of this application,” Office Action at page 2, Applicant points out that Applicant No. 60/324227 is unrelated to the present application and thus has never been asserted by Applicant to provide priority with respect to any claim herein. Applicant does assert, however, that one or more claims of the present application are entitled to benefit of priority to Application No. 10/135,878.

II. The 35 U.S.C. § 102 Rejections

Claims 1-2, 5-8, 10, 11, 15-19, 25, 32-39, 47-50, 52, and 54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States patent application publication number 2003/0070076 (hereinafter Michael). However, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989)). Michael neither teaches every element of the claims nor shows the identical invention in as complete detail as is contained in the claims.

Initially, Applicant notes that throughout the 35 U.S.C. § 102 rejections of record the Examiner asserts that some aspect of Michael is “analogous” to an identified claim limitation. Whether something is analogous to the claims or not is immaterial to patentability under 35 U.S.C. § 102 (see e.g., M.P.E.P. § 2131.05 stating that “[t]he question of whether a reference is analogous art is not relevant to whether that reference anticipates.”). The applied art must

show, whether expressly or inherently, the identical invention in as complete detail as is contained in the claim, see M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989)). Even assuming, *arguendo*, that the statements in the 35 U.S.C. § 102 rejections of record are accurate, a *prima facie* case of anticipation has not been established because the rejections do not establish, or even assert, that the claim limitations are present in the applied art. As such, the 35 U.S.C. § 102 rejections of record are improper and should be withdrawn.

A. The Independent Claims

Claim 1 recites “providing electronic access to a plurality of databases” The rejection of record relies upon paragraph 37 and Figure 1 of Michael to meet this aspect of the claim, Office Action at page 3. In direct contrast to the express language of the claim, Figure 1 of Michael shows only a single database. Moreover, paragraph 37 of Michael is completely silent with respect to any database or databases. The forgoing disclosure of Michael is clearly insufficient to anticipate the claim limitation under 35 U.S.C. § 102.

In support of the rejection, the Examiner “notes that ‘The system includes a computing system 21 in communication with a plurality of law enforcement agencies 22, 24, and 26’ (Paragraph 37) is analogous to ‘providing electronic access to a plurality of databases,’” Office Action at page 4. However, contrary to the Examiner’s assertion, Michael expressly teaches providing access to a single database by the plurality of law enforcement agencies. For example, Michael teaches that “database 50 [is] for storing data received from the plurality of law enforcement agencies,” paragraph 0041. Michael simply does not teach providing electronic access to a plurality of databases and thus does not anticipate the claim under 35 U.S.C. § 102.

In addition to Michael not teaching providing access to a plurality of databases, the disclosure of Michael cannot be read to render the foregoing obvious under 35 U.S.C. § 103. The principle of operation set forth in Michael relies upon utilizing a standardized format in one database to facilitate sharing of data between a plurality of law enforcement agencies, see e.g., paragraph 0048. If the proposed modification or combination of the prior art would

change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima face* obvious, M.P.E.P. § 2143.01 (citing *In re Ratti*, 123 U.S.P.Q. 349 (CCPA 1959)).

Claim 1 further recites “utilizing said information vector data to access at least one database of said plurality of databases to identify at least a portion of said useful data therein” and “utilizing said at least a portion of said useful data . . . to access at least another database of said plurality of databases” In rejecting the claim, the Examiner states that “all data from all the subscribing law enforcement agencies is available to all subscribers,” Office Action at page 4, and thus concludes that the claim limitations are met.

However, Michael expressly teaches that the information of the plurality of law enforcement agencies is available to other law enforcement agencies only through a single shared database, see e.g., paragraphs 0041 and 0062. Reading utilizing a single database to make data available from all subscribing law enforcement agencies to meet the claim requires ignoring the words of the claim reciting “at least one database” and “at least another database.” Applicant respectfully reminds the Examiner that all words in a claim must be considered in judging the patentability of that claim against the applied art, see M.P.E.P. § 2143.03. The rejection of record, which ignores express claim limitations, is insufficient to establish a *prima facie* case of anticipation under 35 U.S.C. § 102.

Claim 32 recites “utilizing a plurality of search information vectors to identify data in said at least one database” and “identifying confluence of search information vectors of said plurality of search information vectors with respect to said relevant data” In rejecting the claim, the Examiner opines that having all data from all the subscribing law enforcement agencies available to all subscribers as in Michael is analogous to utilizing a plurality of search information vectors to identify data in a database, Office Action at page 11. The Examiner asserts that a user utilizing meta data designator fields to search for individuals with each type of data is analogous to identifying confluence of search information vectors of the plurality of search information vectors, *id.* The Examiner further asserts that the data field name “charge” in Figure 7, the data field name “HairColor” in Figure 12, the data field name “Identifying note” in Figure 12, and the data field name “RelativeFirstName” in Figure 12 depict different meta fields for a user to search.

Applicant asserts, however, that the foregoing data field names are not meta data, but rather are the database data field names. Moreover, there is nothing in the disclosure of Michael to teach or suggest that a user can search for the foregoing field names (as opposed to the data stored in the data field of the respective data field name) as proffered by the Examiner.

Although Michael teaches categorizing data into specific meta data designator fields (specifically author, title, and version) and that a user can search for individuals based on the meta data fields, paragraph 049, there is nothing in this disclosure to meet the claim language reciting identifying confluence of search information vectors of the plurality of search information vectors. That is, the claim requires utilizing a plurality of search information vectors, wherein search information vectors are associated with different search directions, and identifying a confluence of search information vectors from the data identified by individual ones of the search information vectors. Searching for individuals based upon a meta data designator field as disclosed in Michael is insufficient to meet the claim. Accordingly, Applicant asserts that the 35 U.S.C. § 102 rejection should be withdrawn.

Claim 47 recites “a plurality of geographically dispersed databases” The rejection of record relies upon paragraph 37 and Figure 1 of Michael to meet this aspect of the claim, Office Action at page 15. As discussed above with respect to claim 1, Figure 1 of Michael shows only a single database and paragraph 37 of Michael is completely silent with respect to any database or databases. Accordingly, the foregoing disclosure of Michael is insufficient to anticipate the claim limitation under 35 U.S.C. § 102.

In support of the rejection, the Examiner “notes that ‘For example, law enforcement agency 22 may be the City of Dallas Police Department, law enforcement 24 may be the City of Chicago Police Department, and law agency 26 may be the Federal Bureau of Investigation (FBI)’ (Paragraph 37) is analogous to ‘wherein ones of said plurality of databases are geographically dispersed,’” Office Action at pages 15 and 16. However, contrary to the Examiner’s assertion, Michael teaches only a single database which is accessible by the plurality of law enforcement agencies, see e.g., paragraph 0041. As Michael does not teach a plurality of databases, geographically dispersed or otherwise, Michael does not anticipate the claim under 35 U.S.C. § 102. Moreover, because the

principle of operation set forth in Michael relies upon utilizing a standardized format in one database to facilitate sharing of data between a plurality of law enforcement agencies, see e.g., paragraph 0048, and this principle of operation would be changed if Michael was modified to provide a plurality of geographically disbursed databases, the teachings of the references are not sufficient to render the claims *prima facie* obvious, see M.P.E.P. § 2143.01.

Claim 47 further recites a “communication system operable to identify data directly relevant to at least one of said information vectors, said communication system further operable to identify data indirectly relevant to said at least one of said information vectors using said data identified as directly relevant to said at least one of said information vectors.” In rejecting this aspect of the claim, the rejection of record relies upon paragraph 49 and Figures 7-12 of Michael, Office Action at page 15. In support of the rejection, the Examiner states that “‘Operators subscribing to the system 20 may query all data contained within the database 50. Thus, all data from all the subscribing law enforcement agencies is available to all subscribers’ (Paragraph 49) is analogous to ‘said communication system further operable to identify data indirectly relevant to said at least one of said information vectors using said data identified as directly relevant to said at least one of said information vectors,’” Office Action at page 16. However, the disclosure of Michael identified by the Examiner does not address the claim limitation regarding using data identified as directly relevant to an information vector to further identify data indirectly relevant to the information vector. Accordingly, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been made of record.

B. The Dependent Claims

Claims 2, 5-8, 10, 11, 15-19, 25, 33-39, 48-50, 52, and 54 depend directly or indirectly from a respective one of claims 1, 32, and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Accordingly, dependent claims 2, 5-8, 10, 11, 15-19, 25, 33-39, 48-50, 52, and 54 are asserted to be patentable over the 35 U.S.C. § 102 rejections at least for the reasons set forth above with respect to claims 1, 32, and 47.

Moreover, the dependent claims recite new and non-obvious limitations in addition to those set forth in the base claims. However, as Applicant has clearly shown that the rejections of record are improper, the dependent claim limitations have not been further addressed herein.

III. The 35 U.S.C. § 103 Rejections

Claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael in view of United States patent application publication number 2003/0126470 (hereinafter Crites). Claims 4, 13, and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Michael in view of United States patent number 5,485,507 (hereinafter Brown). However, to render a claim unpatentable under 35 U.S.C. § 103, all the claim limitations must be taught or suggested by the prior art, M.P.E.P. § 2143.03. The applied art does not teach or suggest all of the limitations set forth in the claims and, thus, the rejections of record do not establish a *prima facie* case of obviousness under 35 U.S.C. § 103.

Claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 depend directly or indirectly from a respective one of claims 1, 32, and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Moreover, the secondary reference Crites is not relied upon to address the identified deficiencies in the primary reference Michael. Accordingly, dependent claims 3, 9, 12, 14, 20-24, 26-31, 40-46, and 51 are asserted to be patentable over the 35 U.S.C. § 103 rejections at least for the reasons set forth above with respect to claims 1, 32, and 47.

Claims 4, 13, and 53 depend directly or indirectly from a respective one of claims 1 and 47 discussed above, and thus incorporate the limitations thereof. Applicant has shown that the applied art does not meet all the limitations of these base claims. Moreover, the secondary reference Crites is not relied upon to address the identified deficiencies in the primary reference Michael. Accordingly, dependent claims 4, 13, and 53 are asserted to be patentable over the 35 U.S.C. § 103 rejections at least for the reasons set forth above with respect to claims 1 and 47.

Moreover, the dependent claims recite new and non-obvious limitations in addition to those set forth in the base claims. However, as Applicant has clearly shown that the rejections of record are improper, the dependent claim limitations have not been further addressed herein.


IV. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the present claims be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P001CP2/10309809 from which the undersigned is authorized to draw.

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Respectfully submitted,

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